

10. A new § 550.58 is added to read as follows:

**§ 550.58 Consideration for early release.**

An inmate who completes a residential drug abuse treatment program during his or her current commitment may be eligible for early release by a period not to exceed 12 months, in accordance with paragraph (a) of this section, unless the inmate is an INS detainee, a pretrial inmate, a contractual boarder (for example, a D.C., State, or military inmate), or eligible for parole, or unless the inmate's current offense is determined to be a crime of violence as defined in 18 U.S.C. 924(c)(3), or unless the inmate has a prior federal and/or state conviction for homicide, forcible rape, robbery, or aggravated assault.

(a) *Eligibility.* (1) An inmate who had successfully completed a Bureau of Prisons residential drug abuse treatment program before October 1, 1989 is otherwise eligible if:

(i) Staff confirm that the completed program matches the treatment required by statute;

(ii) The inmate signs an agreement acknowledging his/her program responsibility;

(iii) The inmate completes a refresher treatment program and all applicable transitional services programs; and

(iv) Since completion of the program, the inmate has not been found to have committed a 100 level prohibited act and has not been found to have committed a prohibited act involving alcohol or drugs.

(2) An inmate who has successfully completed a Bureau of Prisons residential drug abuse treatment program on or after October 1, 1989 is otherwise eligible if:

(i) The inmate completes all applicable transitional services programs; and

(ii) Since completion of the program, the inmate has not been found to have committed a 100 level prohibited act and has not been found to have committed a prohibited act involving alcohol or drugs.

(b) *Application.* (1) *Inmates currently enrolled.* Eligible inmates currently enrolled in a residential drug abuse treatment program shall automatically be considered for early release.

(2) *Inmates who had previously completed program requirements.* Eligible inmates who have previously completed a residential drug abuse treatment program (or which matches the treatment required by statute) must notify the institution's drug abuse program coordinator via a Request to

Staff in order to be considered for early release.

(c) *Length of reduction.* (1) Except as specified in paragraphs (c)(2) and (3) of this section, an inmate who is approved for early release may receive a reduction of up to 12 months.

(2) If the inmate has less than 12 months to serve after completion of all required transitional services, the amount of reduction may not exceed the amount of time left on service of sentence.

(3) If, based upon a disciplinary finding or based on program needs (for example, the inmate has not established an adequate release plan), the Community Corrections Regional Administrator may retard or disallow any portion of the maximum 12 months for an inmate in a community-based program.

11. Section 550.60 is added to read as follows:

**§ 550.60 Inmate appeals.**

(a) Administrative remedy procedures for the formal review of a complaint relating to any aspect of an inmate's confinement (including the operation of the drug abuse treatment programs) are contained in 28 CFR 542, subpart B.

(b) In order to expedite staff response, an inmate who has previously been found to be eligible for early release must, when filing an administrative remedy request pursuant to 28 CFR 542, subpart B on an action which would result in the inmate's loss of early release eligibility, indicate in the first sentence of the request that the request affects the inmate's early release.

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**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**33 CFR Part 110**

[CGD05-93-103]

RIN 2115-AA98

**Anchorage Grounds; Spa Creek, Annapolis, MD**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is consolidating Anchorages A and B in Spa Creek Anchorage in Annapolis Harbor, Md. into one anchorage. This action is necessary because the City of Annapolis has experienced difficulty enforcing safe boating operations within the separate anchorages. Consolidation

of the two anchorages tightens control over the use and access to the composite anchorage, thereby increasing the efficiency of mooring operations and vessel safety.

**EFFECTIVE DATE:** This is effective June 26, 1995.

**FOR FURTHER INFORMATION CONTACT:** LCDR Tom Flynn (804) 398-6690.

**SUPPLEMENTARY INFORMATION:** This action follows completion of an Army Corps of Engineers study of the Annapolis Harbor conducted in December 1990, under the authority of Section 4(i) of the Water Resources Development Act of 1988, Public Law 100-676. The Corps of Engineers' study recommended a realignment of the channel in Annapolis Harbor by nonstructural, nondredging measures, in order to promote more efficient mooring operations in the harbor. Recognizing the desirability of accommodating existing users, increasing harbor safety by making mooring operations more efficient, and doing so in a cost effective manner, the study determined that the existing anchorage configuration should be revised by consolidating anchorages A and B, in Spa Creek, Annapolis, MD, into a single anchorage. The City of Annapolis, MD and asked the Coast Guard to initiate the process for effecting a consolidation. Pursuant to this request, the Coast Guard published a Notice of Proposed Rulemaking concerning this section in the **Federal Register** (58 FR 57769; October 27, 1993). The Commander, Fifth Coast Guard District, also published the proposal in Local Notice to Mariners 45-93 dated November 9, 1993. Each notice allowed interested persons to submit comments through December 13, 1993. Total comment on the rule consisted of one letter, the substance of which was beyond the scope of this rulemaking and contained no constructive recommendations. The comment was considered, discussed and forwarded to the City of Annapolis. There are no substantive differences between the proposed rule and the final rule.

**Drafting Information**

The drafters of this rule are LCDR Tom Flynn, project officer, Fifth Coast Guard District, Aids to Navigation and Waterways Management Branch and LCDR Bill Shelton, project attorney, Fifth Coast Guard District Legal Office.

**Regulatory Evaluation**

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs

and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. Although the regulation enhances control over the harbor and promotes the efficiency of mooring operations, harbor access will not be reduced, nor will vessel traffic within the harbor be diverted or impeded.

**Environment**

This final rule has been thoroughly reviewed by the Coast Guard and determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2.e of Commandant Instruction M16475.1B.

**Collection of Information**

This regulation contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

**Federalism Assessment**

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that it does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

**List of Subjects in 33 CFR Part 110**

Anchorage grounds.

**Final Regulation**

In consideration of the foregoing, Part 110 of Title 33, Code of Federal Regulations, is amended as follows:

**PART 110—ANCHORAGE REGULATIONS**

1. The authority citation for part 110 continues to read as follows:

**Authority:** 33 U.S.C. 471, 2030, 2035 and 2071; 49 CFR 1.46 and 33 CFR 1.05-1(g). Section 110.1a and each section listed in 110.1a are also issued under 33 U.S.C. 1223 and 1231.

2. Section 110.159 is amended by removing paragraph (a)(6), by removing “(a)(3), (a)(5), and (a)(6)” in the note at the end of paragraph (a) and adding in its place “(a)(3), and (a)(5)” and by revising paragraph (a)(5) to read as follows:

**§ 110.159 Annapolis Harbor, Md.**

(a) \* \* \*

(5) *Spa Creek Anchorage.* In Spa Creek, those waters bounded by a line connecting the following points:

<i>Latitude</i>	<i>Longitude</i>
38°58'37.3" N	76°28'48.1" W
36°58'36.1" N	76°28'57.8" W
38°58'31.6" N	76°29'03.3" W
38°58'26.7" N	76°28'59.5" W

Datum: NAD 83

\* \* \* \* \*

Dated: May 16, 1995.

**M.K. Cain,**

*Captain, U.S. Coast Guard, Acting Commander, fifth Coast Guard District.*

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**33 CFR Part 165**

[CGD02-95-013]

RIN 2115-AA97

**Safety Zone; Wolf River Chute, Memphis, TN**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone on the Wolf River Chute between mile markers 0.0 and 1.0 in proximity of Lower Mississippi River mile 735.0. The zone is needed to control vessel traffic during the USS WHIRLWIND’s commissioning ceremony. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port.

**EFFECTIVE DATE:** This regulation is effective from 8 a.m. until 1 p.m. on July 1, 1995.

**FOR FURTHER INFORMATION CONTACT:** LTJG Joel Roberts, Assistant Chief of Port Operations, Coast Guard Captain of the Port Memphis, 200 Jefferson Avenue, Suite 1301, Memphis, TN, 38103, Phone: (901) 544-3941.

**SUPPLEMENTARY INFORMATION:**

**Background and Purpose**

At approximately 8 a.m. on July 1, 1995, the U.S. Navy will commence preparations for the commissioning of the USS WHIRLWIND on the Wolf River Chute mile 0.5. The commissioning ceremony will take place that morning with a large contingency of public and private spectators. The navigable channel may be blocked by spectator craft during the ceremony. A safety zone is being established on the Wolf River Chute from mile marker 0.0 to 1.0 in

order to ensure the safety of spectator vessels observing the commissioning ceremony. All vessels shall establish passing arrangements with the Coast Guard Patrol Commander on scene, or via VHF Marine Band Radio, Channel 81, prior to transiting the zone and shall abide by the conditions of the arrangement. Entry of vessels or persons into this zone without a passing arrangement with the Coast Guard Patrol Commander is prohibited except as authorized by the Captain of the Port, Memphis, TN.

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation. Publication of a notice of proposed rulemaking would be contrary to the public interest because immediate action is necessary to control vessel traffic in order to prevent vessel collisions, loss of life and property damage.

**Regulatory Evaluation**

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

**Collection of Information**

This rule contains no information collection requirements under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

**Federalism**

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

**Environment**

The Coast Guard considered the environmental impact of this rule and concluded that, under paragraph 2.B.2 of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation.

**List of Subjects in 33 CFR Part 165**

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping